October 15, 2002 CPC December 17, 2002 CPC January 22, 2003 BS



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

03SN0124

George B. Sowers Jr. and GBS Holding Ltd

Matoaca Magisterial District
Off the west line of Otterdale Road

<u>REQUEST</u>: Rezoning from Agricultural (A) to Residential (R-15).

PROPOSED LAND USE:

A single family residential subdivision having a minimum lot size of 15,000 square feet is planned and a maximum 450 lots is planned.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 6.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land use conforms to the <u>Upper Swift Creek Plan</u> which suggests the property is appropriate for residential use of 2.0 units per acre or less.
- B. The proposed zoning and land use are representative of existing and anticipated development.
- C. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan.

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Specifically, the need for roads, schools, parks, libraries and fire stations is identified in the County's adopted <u>Public Facilities Plan</u>, the <u>Thoroughfare Plan</u> and <u>Capital Improvement Program</u> and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

(STAFF/CPC)	1.	A maximum of four hundred fifty (450) lots shall be permitted. (P)	
(STAFF/CPC)	2.	The exposed surfaces of all foundations for dwelling units shall be faced with brick veneer. (P)	
(STAFF/CPC)	3.	The public water and wastewater systems shall be used. (U)	
(STAFF/CPC)	4.	All dwellings shall have a minimum gross floor area of 2,000 square feet. (P)	
(STAFF/CPC)	5.	Unless otherwise approved by the Planning Commission, a maximum of thirty (30) lots on the property shall be able to access the North Hundred subdivision from Hunting Hill Road with less than three (3) stop or turning movements, exclusive of individual lot access. (Note: This proffer is intended to minimize and discourage vehicular traffic through the North Hundred subdivision.) (T)	
(STAFF/CPC)	6.	Any lot located within six hundred (600) feet of the North Hundred subdivision shall contain a minimum area of 40,000 square feet. (P)	
(STAFF/CPC)	7.	Any lot adjacent to the western property line of tax map parcel number 714-698-3178 shall contain a minimum area of 40,000 square feet. (P)	
(STAFF/CPC)	8.	No lot shall have sole access from Hunting Hill Road. (P)	
(STAFF/CPC)	9.	Except and unless as otherwise provided herein, the applicant, subdivider, or assignee(s), shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:	

- a. \$9,000 per dwelling unit if paid prior to 1 July 2003; or
- b. the amount approved by the Board of Supervisors not to exceed \$9,000 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between 1 July 2002 and 1 July of the fiscal year in which the payment is made if paid after 30 June 2003.

The per dwelling unit cash proffer amount shall be prorated among schools, roads, libraries, fire stations, and parks and recreation facilities by the County's Department of Budget and Management.

Provided however, the cash proffer payment shall be reduced by the transportation component so long as the cost of the improvements defined in Proffered Condition 13(d) and the cost of right-of-way acquisition and easements necessary for such improvements, all as determined by the Transportation Department, are of greater value than that which would have been collected through the payment of the transportation component of the cash proffer. After completing the improvements, the applicant, subdivider or assignee shall submit documentation of the cost in a form acceptable to the Transportation Department in order that the Transportation Department can determine the cost of improvements, which includes the cost of right-of-way and easements required by the Transportation Department. Once the sum total amount of the reduced cash proffer payments for the transportation component of the cash proffer exceeds the cost of improvements as set forth and defined above, thereafter the applicant, subdivider, or assignee shall commence paying the transportation component of the cash proffer in addition to the amount payable for schools, parks, libraries and fire stations as specified above.

Provided further, if the improvements identified above exceed the total transportation component of the cash proffers for all dwellings, the County has no obligation to reimburse the applicant, successor, or assigns for the difference between the two.

In the event the above cash payments are not used for the purpose for which proffered within fifteen (15) years of receipt, the cash shall be returned in full to the payor. (B&M)

(STAFF/CPC)

10. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

(STAFF/CPC)

- 11. In conjunction with recordation of the initial subdivision plat, the following rights-of-way on the property shall be dedicated, free and unrestricted, to Chesterfield County.
 - a. A ninety (90) foot wide right-of-way for an east/west major arterial ("the East/West arterial") from the eastern property line to the western property lined.
 - b. A ninety (90) foot wide right-of-way for a north/south major arterial ("the North/South arterial") from the northern property line to the East/West arterial.

The exact location of these rights-of-way shall be approved by the Transportation Department. (T)

(STAFF/CPC)

12. Prior to any tentative subdivision approval, an access plan for the East/West arterial and the North/South arterial shall be submitted to and approved by the Transportation Department. Access for this development shall conform to the approved access plan. (T)

(STAFF/CPC)

- 13. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of these road improvements are provided by others the specific required improvement shall be deemed satisfied.
 - a. Construction of two (2) lanes of the East/West arterial to VDOT urban minor arterial standards (50 MPH) with modifications approved by the Transportation Department, from the eastern property line to the western property line.
 - b. Construction of two (2) lanes of the North/South arterial to VDOT urban minor arterial standards (50 MPH) with modifications approved by the Transportation Department, from the northern property line to the East/West Arterial.
 - c. Construction of left and right turn lanes along the East/West Arterial and the North/South Arterial at each approved access, including at the East/West Arterial and the North/South

Arterial intersection, if warranted, based on Transportation Department standards.

- d. Widening of the travel lanes of Old Hundred Road from the southern property line of the adjacent parcel to the north (GPIN 7136998856) to the Otterdale Road intersection to a total travel way of twenty (20) feet with an additional one (1) foot wide paved shoulder on each side plus seven (7) foot wide shoulders, with modifications approved by the Transportation Department. If approved by Transportation Department, alternate road improvements, such as the construction of the east/west major arterial extending east from Old Hundred Road, across from the adjacent parcel to the north (GPIN 7136998856), to Otterdale Road/Route 288 as shown on the Thoroughfare Plan, may be substituted for the improvements identified in this Proffered Condition (Proffered Condition 13(d)).
- Dedication to Chesterfield County, free and unrestricted, of e. any additional right-of-way (or easements) required for the improvements identified and phased as outlined herein. In the event the Developer is unable to acquire the right-of-way necessary for the road improvements as described in Proffered Condition 13(d), the Developer may request, in writing, the County to acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way, and only provide the road improvement that can be accommodated within available right-of-way as determined by the Transportation Department. (T)

(STAFF/CPC)

14. The phasing of these improvements shall be as outlined below unless otherwise requested by the Developer and approved by the Transportation Department.

Prior to recordation of any subdivision plat, a phasing plan of the required road improvements identified in proffered condition 13 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that prior to recordation of the initial subdivision plat, the Developer shall: 1) prepare and have approved construction plans for the road improvements outlined in proffered condition 13(d) and 2) submit a letter of credit or other

surety acceptable to the County for the cost to construct the road improvements outlined in proffered condition 13(d) including the cost to acquire all necessary right-of-way for said improvements. The approved phasing plan shall also require the road improvements outlined in proffered condition 13(d) to be completed prior to the recordation of more than a cumulative total of seventy-five (75) lots or one (1) year from the date of recordation of the initial subdivision plat, whichever occurs first. (T)

GENERAL INFORMATION

Location:

Off the west line of Otterdale Road and off the north line of Swamp Fox Road. Tax IDs 708-696-9042, 709-696-5904, 710-696-6714, 711-694-2983 and 712-696-5725 (Sheet 9).

Existing Zoning:

A

Size:

400.1 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-15; Vacant South and West - A; Vacant East - R-40 and A; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing twenty-four (24) inch water line extending along the north side of Midlothian Turnpike that terminates west of Huguenot Springs Road, adjacent to the Huguenot Springs Water Tank, approximately 2.65 miles north of this site. Preliminary evaluation of the request site indicates that a water line extension from the existing twenty-four (24) inch water line along Midlothian Turnpike will be necessary to provide adequate fire flows and residual pressure. Use of the public water system is intended and has been proffered by the applicant. (Proffered Condition 3)

Public Wastewater System:

There is an existing sixty (60) inch wastewater trunk line extending along the north side of Genito Road, adjacent to the Swift Creek Reservoir, approximately two (2) miles southeast of this site. The request site is within the service area of the Upper Swift Creek basin. Extension of an adequately sized wastewater trunk line along Swift Creek from the sixty (60) inch trunk line to the request site will be necessary to provide public wastewater service. Use of the public wastewater system is intended and has been proffered by the applicant. (Proffered Condition 3)

ENVIRONMENTAL

<u>Drainage and Erosion</u>:

The property is located in the Upper Swift Creek Reservoir Watershed and drains to the reservoir. There are currently no on- or off-site erosion problems and none are anticipated after development. The property is wooded and, as such, should not be timbered without first obtaining a land disturbance permit. This will ensure that adequate erosion control measures are in place prior to any land disturbance activity. (Proffered Condition 10)

Water Quality:

Participation in the <u>Upper Swift Creek Regional Stormwater Master Plan</u> is required with payment of a pro-rata construction fee and a fee per residential unit for BMP maintenance. The <u>Plan</u> for these properties shows various regional facilities to include one (1) subwatershed BMP, a series of enhanced floodplain improvements and a Riparian Corridor Management-No Resource Protection Area (RCM/NRPA) that will limit any disturbance within the 100-year floodplain.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the <u>Public Facilities Plan</u>, the <u>Thoroughfare Plan</u> and the <u>Capital Improvement Program</u>. This development will have an impact on these facilities.

Fire Service:

The <u>Public Facilities Plan</u> indicates that Emergency Services calls are expected to increase forty-five (45) percent by the year 2015. Eight (8) new fire/rescue stations are recommended for construction by the year 2015 in the <u>Plan</u>. Based on 450 dwelling units, this request will generate approximately eighty-two (82) calls for fire and rescue services each year. The impact on fire service has been addressed. (Proffered Condition 9)

The property is currently served by the Midlothian Fire Station, Company Number 5 and Forest View Volunteer Rescue Squad. When the property is developed, the number of

hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

Schools:

Approximately 239 new students will be generated by this development.

This site lies in the Watkins Elementary School attendance zone: capacity - 750, enrollment - 792; Midlothian Middle School zone: capacity - 1,260, enrollment - 1,394; and Midlothian High School zone: capacity - 1,625, enrollment - 1,587.

There are currently two (2) trailers at Watkins Elementary and five (5) trailers at Midlothian Middle. This request will have an impact on all schools involved. The applicants have agreed to participate in the cost of providing for area school needs. (Proffered Condition 9)

Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed County-wide. Based on projected population growth, the <u>Public Facilities Plan</u> identifies a need for additional library space throughout the County. This development will most likely have the greatest impact on the Midlothian Library or a proposed new branch further west along Genito Road. The applicant has offered measures to assist in addressing the impact of this development on these facilities. (Proffered Condition 9)

Parks and Recreation:

The <u>Public Facilities Plan</u> identifies the need for four (4) new regional parks. In addition, there is currently a shortage of community park acreage in the County. The <u>Plan</u> identifies a need for 625 acres of regional park space and 116 acres of community park space by 2015. The <u>Plan</u> also identifies the need for neighborhood parks and special purpose parks and makes suggestions for their locations. The applicant has offered measures to assist in addressing the impact of this proposed development on these facilities. (Proffered Condition 9)

Transportation:

This request consists of approximately 400 acres, currently zoned Agricultural (A). The applicant is requesting rezoning to Residential (R-15). The applicant has proffered that a maximum of 450 lots will be developed on the property (Proffered Condition 1). Based on single family trip rates, development could generate approximately 4,100 average daily trips. These vehicles will be distributed along Old Hundred Road, which had a 2002 traffic count of 5,802 vehicles per day.

The applicant intends to provide primary access from the property, through the adjacent parcel to the north, to Old Hundred Road. The adjacent property to the north (approximately 257 acres) is zoned Residential (R-15). Existing conditions of zoning (Case 89SN0354) on that adjacent parcel limits development to 350 lots, requires the reconstruction of Old Hundred Road for its entire property frontage, and requires the right of way dedication and construction of east/west and north/south major arterials through that adjacent parcel. The Thoroughfare Plan recommends continuing these major arterials through the subject property.

More specifically, the <u>Thoroughfare Plan</u> identifies a north/south major arterial ("the North/South Arterial) and an east/west major arterial ("the East/West Arterial") extending through the property, with recommended right of way widths of ninety (90) feet. These roads are a continuation of the arterial roadways shown on the <u>Thoroughfare Plan</u> and required for development of the adjacent parcel to the north. The <u>Thoroughfare Plan</u> shows the North/South Arterial crossing the East/West Arterial, then extending south through the subject property, crossing the proposed Powhite Parkway Extended and continuing south to Otterdale Road. Due to topography and the development that has occurred in this area, staff supports eliminating the section of the North/South Arterial south of the East/West Arterial. The applicant has proffered to dedicate a ninety (90) foot wide right of way for the North/South Arterial from the northern property line to the East/West Arterial, and to dedicate a ninety (90) foot wide right of way for the East/West Arterial through the property (Proffered Condition 11). The applicant has also proffered to construct two (2) lanes of these arterial roads through the property. (Proffered Conditions 13.a. and b.)

The Subdivision Ordinance requires that subdivision streets must conform to the Planning Commission's Stub Road Policy, which suggests that traffic volumes on those streets should not exceed an acceptable level of 1,500 vehicles per day. In accordance with the Stub Road Policy, residential collectors may be required through parts of the property. Specific recommendations regarding the need for these residential collector roads will be provided at time of tentative subdivision review.

Access to major arterials, such as the North/South Arterial and the East/West Arterial, should be controlled. The applicant has proffered to submit an access plan for approval that identifies access from the property to the North/South Arterial and the East/West Arterial. (Proffered Condition 12)

In conjunction with development of the adjacent subdivision to the south (North Hundred), a stub road right of way (Hunting Hill Road) was recorded to the boundary of the subject property. Development of the subject property with access to Hunting Hill Road must not cause streets in North Hundred Subdivision to exceed the acceptable volume established by the Stub Road Policy.

To address neighborhood concerns in North Hundred Subdivision, the applicant has proffered a condition regarding the layout of the internal street network on the subject property with any extension of Hunting Hill Road (Proffered Condition 5). The proffered

condition would allow a maximum of thirty (30) lots to access North Hundred Subdivision with less than three (3) stop or turning movements. All other lots developed on the property in excess of those thirty (30) would be required to have more than three (3) stop or turning movements before entering North Hundred Subdivision. At time of tentative subdivision review, staff will evaluate the proposed street network for compliance with this proffered condition and compliance with the Stub Road Policy. The applicant has also proffered that there will be no lots developed on the property with sole access from Hunting Hill Road. (Proffered Condition 8)

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Old Hundred Road will be directly impacted by development of this property. Sections of this road have eighteen (18) to nineteen (19) foot wide pavement with no shoulders, with substandard vertical and horizontal alignments and large trees located close to the edge of pavement. Based on the current volume of traffic during peak hours, this road is at capacity (Level of Service E). The standard typical section for Old Hundred Road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders.

The traffic impact of this development must be addressed. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 9). Proffered Condition 9 would allow a reduction in the cash proffer payments in an amount equal to the cost to widen Old Hundred Road, as described below.

The applicant has proffered that in conjunction with the initial development of the property, seventy-five (75) lots, Old Hundred Road from the southern property line of the adjacent parcel to the north to the Otterdale Road intersection will be widened to a total travel way of twenty (20) feet with an additional one (1) foot wide paved shoulder on each side plus seven (7) foot wide shoulders (Proffered Condition 13.d.) The proffered condition would allow the Transportation Department to select alternative improvements, such as constructing part of a Thoroughfare Plan road east of Old Hundred Road, in lieu of widening this section of Old Hundred Road. According to the proffered phasing plan, these road improvements must be completed prior to recordation of more than seventy-five (75) lots or within one (1) year from the date of recording the initial subdivision plat, whichever occurs first. (Proffered Condition 14)

The developer will need to acquire "off-site" right of way in order to provide these improvements. According to the proffer, if the developer is unable to acquire the right of way for widening Old Hundred Road, the developer may request the County to acquire the right of way as a public road improvement. All costs associated with the acquisition will be borne by the developer. If the County chooses not to assist with the right of way acquisition, the developer will not be obligated to acquire the "off-site" right of way, and will only be obligated to construct road improvements within available right of way.

At time of tentative subdivision review, specific recommendations will be provided regarding stub road rights of way to adjacent properties and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	450*	1.00
Population Increase	1,224.00	2.72
Number of New Students		
Elementary	108.00	0.24
Middle	58.50	0.13
High	76.50	0.17
TOTAL	243.00	0.54
Net Cost for Schools	2,181,150	4,847
Net Cost for Parks	311,850	693
Net Cost for Libraries	168,750	375
Net Cost for Fire Stations	180,450	401
Average Net Cost for Roads	1,849,050	4,109
TOTAL NET COST	4,691,250	10,425

^{*}Based on a proffered maximum number of dwelling units. (Proffered Condition 1)

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$10,425 per unit. The applicant has been advised that a maximum proffer of \$9,000 per unit would defray the cost of the capital facilities necessitated by this propose development.

The applicant has proffered to make road improvements and pay cash to address the impacts of this proposed development on capital facilities. As proffered, the applicant would pay a reduced cash proffer for so long as the cost of the improvements exceed the amount that would have been paid in cash. Thereafter, the applicant would pay the maximum cash proffer in accordance with the Board of Supervisors' policy. The proffer also ensures the reduced cash proffer payments will be based on the actual cost of improvements rather than an estimated value thus minimizing risk to the County (Proffered Condition 9). Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash and road improvements to assist in defraying the cost of this proposed zoning on such capital facilities.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the proffers as offered in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the <u>Upper Swift Creek Plan</u> which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. A maximum of 450 lots yielding a density of approximately 1.1 units per acre has been proffered. (Proffered Condition 1)

Area Development Trends:

Property to the north is zoned Residential (R-15) and is currently vacant. Properties to the south and west are zoned Agricultural (A) and are vacant. Properties to the east are zoned Residential (R-40) and Agricultural (A) and are developed as the North Hundred Subdivision, single family residences on acreage parcels or are currently vacant. It is anticipated that residential zoning and land use patterns will continue in the area consistent with densities suggested by the <u>Plan</u>.

Density and Lot Sizes:

A maximum of 450 lots on the property, yielding a density of approximately 1.1 units per acre, has been proffered. (Proffered Condition 1)

The Zoning Ordinance requires a minimum lot area of 15,000 square feet in a Residential (R-15) District. Typically, should any lots within the proposed development have their sole access through an adjacent subdivision development, lot size compatibility between the adjacent projects should be addressed. The applicant has proffered that no lots will have their sole access through North Hundred Subdivision via a recorded, but yet unimproved, stub road (Hunting Hill Road)(Proffered Condition 8). To address concerns of area residents, the applicant has proffered that any lots within 600 feet of North Hundred Subdivision will have a minimum lot area of 40,000 square feet (Proffered Condition 6). Further, in response to concerns from an adjacent parcel owner to the east, any lot adjacent to such parcel must also meet a minimum lot area of 40,000 square feet. (Proffered Condition 7) (Reference attached map.)

Dwelling Size and Architectural Treatment:

To address concerns of adjacent property owners, proffered conditions address minimum house size and foundation treatment. (Proffered Conditions 2 and 4)

CONCLUSIONS

The proposed zoning and land use conform to the <u>Upper Swift Creek Plan</u> which suggests the property is appropriate for residential use of 2.0 units per acre or less. The proposed zoning and land use are representative of existing and anticipated development. The proffered conditions address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the need for roads, schools, parks, libraries and fire stations is identified in the County's adopted <u>Public Facilities Plan</u>, the <u>Thoroughfare Plan</u> and <u>Capital Improvement Program</u> and the impact of this development is discussed herein. The proffered conditions adequately mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Planning Commission Meeting (10/15/02):

At the request of the applicant, the Commission deferred this case to August 20, 2002.

Staff (10/16/02):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than October 21, 2002, for consideration at the Commission's December 17, 2002, public hearing. The applicant was also advised that a \$250.00 deferral fee was due.

Staff, Applicant and Area Residents (11/6/02):

A meeting was held to discuss the applicant's request. Area residents expressed concerns relative to access through the adjacent North Hundred Subdivision, the extension of public water to serve the North Hundred Subdivision and the size of proposed lots adjacent to the subdivision. It was generally agreed that a follow up meeting would be necessary.

Staff, Applicant, Area Residents and Matoaca Planning Commissioner (11/21/02):

A meeting was held to discuss the applicant's request. The applicant suggested proffered conditions to minimize vehicular traffic through the North Hundred Subdivision and to require 40,000 square foot lots if located within a specific distance from the subdivision.

Given that the extension of public utilities to serve the subdivision was not necessitated by the rezoning request, the applicant agreed to continue to work on this issue with area residents through a private agreement.

Applicant (11/21/02, 11/27/02 and 12/3/02):

Revised proffered conditions were submitted.

Applicant (11/25/02):

The deferral fee was paid.

Planning Commission Meeting (12/17/02):

The applicant accepted the recommendation. There was no opposition present.

Mr. Gulley expressed concerns that there is no planned regional BMP downstream of this development and questioned what the phosphorous load would be. Mr. McElfish agreed to provide information to Mr. Gulley. Mr. Gulley indicated that while he would support the case, he will be evaluating the information from Environmental Engineering with respect to future cases which have no regional BMP downstream of the development in the Upper Swift Creek Watershed.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 through 6.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, January 22, 2003, beginning at 7:00 p.m., will take under consideration this request.





